



The following constitutes the order of the court.
Signed January 31, 2014


William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Johnny Lusnong Lingbanan,
Victoria Mendoza Lingbanan,

Debtors.

Case No. 11-73169
Chapter 11

**MEMORANDUM REGARDING DEBTORS' OBJECTIONS TO CLAIMS OF
EMILIANO VALLEJO (CLAIM NO. 19, AMENDED AS CLAIM NO. 25) AND LUCITA
VALLEJO (CLAIM NO. 20, AMENDED AS CLAIM NO. 24)**

On January 15, 2014, a hearing was held on debtors' Objections to Claim Nos. 19 and 20 ("Objections"). The Objections were brought on grounds that no supporting documentation was provided with either claim. Claimant Emiliano Vallejo appeared at the hearing. Matthew Metzger appeared on behalf of the debtors and the estate. The Court noted that although no opposition to the Objections had been filed, and the notice and service of the Objections appeared proper under Bankruptcy Local Rule 9014, there existed a dispute regarding the validity and appropriate disposition of these claims. The Court allowed the claimants one week in which to file amended proofs of claim, respectively, that would include supporting documentation necessary to determine the validity of any claim. The claimants responded by filing new proofs of claim on January 21,

1 2014, which the Court is prepared to treat as amended versions of timely filed claims. Emiliano
2 Vallejo filed Claim No. 25 and Lucita Vallejo filed Claim No. 24.

3 On January 29, 2014, a second hearing was held. Claimants Emiliano Vallejo and Lucita
4 Vallejo appeared at the hearing. Matthew Metzger again appeared on behalf of the debtors and the
5 estate.

6 The Court noted that although the claims as amended provided some documentation going
7 to the general background of events concerning wage disputes between the former employer,
8 debtors, and former employees, claimants, nothing within these documents provided the Court a
9 factual basis on which to determine the amount or validity of the claims and merits of the debtors'
10 Objections. As a result, the Court cannot presently determine whether either Objection is properly
11 sustained or, in the alternative, whether either claim should be allowed and for what amount. The
12 Court hereby directs claimants Emiliano Vallejo and Lucita Vallejo as follows:

13 No later than **February 14, 2014**, each claimant will file a statement with the Court and
14 provide a copy to debtors' counsel. Each statement will include:

15
16 1.) A statement of the facts in support of a claim against the debtors' bankruptcy estate - for
17 example, the number of hours worked but not paid or the amount of overtime worked but
18 not paid, and when such work was performed. The clear computation of amounts should be
19 included, along with any plainly stated narrative that is necessary.

20 2.) Any documentary evidence in support of the above. If no relevant documentation exists,
21 claimants may include declarations, signed under penalty of perjury, in which they set forth
22 specific alleged facts.

23
24 After these statements are filed, the matter will be taken under further submission and the
25 Court will notify the parties should any further hearing be necessary.

26 **END OF MEMORANDUM**

COURT SERVICE LIST

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